Serial Number: 09/745,114 Filing Date: December 20, 2000

Title: LOW LEAKAGE MIM CAPACITOR

Page 22 Dkt: 303.714US1

REMARKS

This responds to the Office Action mailed on October 12, 2006.

Claims 141 and 143 are amended, claims 4, 9-11, 79, 85, 92, 97, 103, 112, 116, 117, 120, 124, 125, 140, 142, and 144-146 are canceled without prejudice or disclaimer, and no claims are added; as a result, claims 2, 3, 5-8, 13-26, 29-30, 32, 74-78, 80, 83, 84, 86, 90, 91, 96, 98, 102, 104, 106, 111, 113-115, 119, 121-123, 127-138, 141, 143 and 147-153 are now pending in this application.

§102 Rejection of the Claims

Claims 140, 142 and 144-146 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,937,650 to Shinrike *et al.* (hereinafter, "the Shinrike reference"). Applicant herein cancels claims 140, 142, and 144-146 without prejudice or disclaimer. Applicant expressly reserves the right to refile the subject matter and any other subject matter supported by the present application in further applications under 35 U.S.C. § 120.

Allowable Subject Matter

Claims 2, 3, 5-8, 13-26, 29-30, 32, 74-78, 80, 83, 84, 86, 90, 91, 96, 98, 102, 104, 106, 111, 113-115, 119, 121-123, 127-138 and 147-153 were allowed. Claims 141 and 143 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner is thanked for his careful examination of the present application, and for his indication of allowable subject matter.

With regard to claims 141 and 143, claims 141 and 143 have been rewritten in independent form in order to expedite the issuance of the subject matter that the Examiner has indicated as allowable. It is understood, however, that the Applicant does not agree with the rejections based upon the prior art, and that the Applicant reserves the right to present the foregoing claims in non-amended form, if desired, in any continuation, divisional or continuation-in-part application.

Serial Number: 09/745,114

Filing Date: December 20, 2000

Dkt: 303.714US1

LOW LEAKAGE MIM CAPACITOR Title:

Claims 4, 9-11, 79, 85, 92, 97, 103, 112, 116, 117, 120, 124, 125, 140, 142, and 144-146 are cancelled. It is further understood that the foregoing claims are cancelled without prejudice, and may be reintroduced in non-amended form, if desired, in any continuation, divisional or continuation-in-part application.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SAM YANG

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. Box 2938

Minneapolis, MN 55402

(612) 349-9587

Timothy B. Clise Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this ____ day of January

ATE GLUNDA

Signature

Name